

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

REALTIME DATA, LLC d/b/a IXO)	
)	
Plaintiff,)	Case No. 1:11-cv-6696-KBF
)	1:11-cv-6701-KBF
vs.)	1:11-cv-6704-KBF
)	
MORGAN STANLEY, ET AL.,)	
)	JURY TRIAL DEMANDED
Defendants.)	
)	
)	

**NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT OF INVALIDITY OF
THE PATENTS-IN-SUIT FOR FAILURE TO SATISFY THE DEFINITENESS AND
WRITTEN DESCRIPTION REQUIREMENTS OF 35 U.S.C. § 112**

PLEASE TAKE NOTICE that Defendants BNY ConvergeEx Group LLC, BNY ConvergeEx Execution Solutions LLC, Credit Suisse Holdings (USA), Inc., Credit Suisse Securities (USA) LLC, The Goldman Sachs Group, Inc., Goldman, Sachs & Co., Goldman Sachs Execution & Clearing, L.P., HSBC Bank USA, N.A., HSBC Securities (USA), Inc., J.P. Morgan Chase & Co., J.P. Morgan Securities, Inc., J.P. Morgan Clearing Corp., Morgan Stanley, and Morgan Stanley & Co, Incorporated (collectively, the “Bank Defendants”) hereby move this Court on April 4, 2012, to grant partial summary judgment for invalidity of the patents-in-suit for failure to satisfy the definiteness and written description requirements of 35 U.S.C. § 112 in the above-referenced cases.

This Motion is made pursuant to Federal Rule of Civil Procedure 56, 28 U.S.C. § 2072 and is based upon this Notice, the Brief in support of this motion, the 56.1 Statement of Facts,

the Declaration of Dr. James Storer, the Declaration of Nicole E. Feit, and any and all other evidence presented respecting this Motion.

Dated: April 4, 2012

Respectfully submitted,

By: /s/ Gregory H. Lantier

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April, 2012 a true and correct copy of the foregoing document was served electronically on all counsel of record.

/s/ Gregory H. Lantier
Gregory H. Lantier